

REMARKS

The present application was filed on May 24, 2001 with claims 1 through 26. New claims 27-31 were added in the Amendment and Response to Office Action dated December 2, 2004. Claims 1 through 31 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1, 11, 17, 23, and 27 under 35 U.S.C. §102(e) as being anticipated by DiGiorgio et al. (United States Patent Number 6,385,729), rejected claims 1, 2, 4-15, 17, 18, 20-28, 30, and 31 under U.S.C. §102(b) as being anticipated by Weiss (United States Patent Number 5,657,388), and rejected claims 3, 16, 19, and 29 under 35 U.S.C. §103(a) as being unpatentable over Weiss in view of Hoppe (United States Patent Number 5,068,894).

Independent Claims 1, 11, 17 and 20-27

Independent claims 1, 11, 17, 23, and 27 were rejected under 35 U.S.C. §102(e) as being anticipated by DiGiorgio et al., and claims 1, 11, 17, and 20-27 were rejected under U.S.C. §102(b) as being anticipated by Weiss. Regarding “claims 1, 11, 17, and 20-27,” the Examiner asserts that DiGiorgio discloses providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (FIGS. 1 and 9; col. 1, line 64, to col. 2, line 23 and its description). Regarding claims 1, 11, 17, 23, and 27, the Examiner asserts that Weiss discloses providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (FIG. 1, element 16; FIG. 2, steps 82-86 and its description).

Applicants note that, in the text cited by the Examiner, DiGiorgio teaches that “‘secure-token devices’ are devices such as smart cards and ibuttons that hold currency tokens and other information in a secure fashion.” (Col. 1, lines 65-67.) Regarding the information stored, DiGiorgio teaches, for example, that “the secure token device of a user may contain personal information regarding a user, such as name, address, and credit card account information.” (Col. 2, lines 58-60.) DiGiorgio does *not* teach, however, instructing said user to enter said provided token *using a cellular telephone*, and does not teach providing access to said user *if said entered token matches*

*said provided token **and** is received via a wireless connection from a cellular telephone having a serial number previously associated with said user.*

Applicant also notes that Weiss teaches that the

token 12 is preferably a "dumb" token which contains only a memory 18 and a machine readable element, or for some embodiments a read/write element, 20. In the simplest case, memory 18 would contain **only a secret user code 22**. However, for various embodiments of the invention, it may also be desirable for memory 18 to store a **public code 24, an algorithm 26 and/or a time-varying value 28**.

(Col. 4, lines 30-37; emphasis added.)

Weiss also does **not** teach instructing said user to enter said provided token *using a cellular telephone*, and does not teach providing access to said user **if said entered token matches said provided token **and** is received via a wireless connection from a cellular telephone having a serial number previously associated with said user.**

Independent claims 1, 11, 17, and 20-26 require *instructing said user* to enter said provided token using a cellular telephone and providing access to said user **if said entered token matches said provided token and is "received via a wireless connection from a cellular telephone having a serial number previously associated with said user."** Independent claim 27 requires providing access to said user if said entered token matches said provided token and is *received via a wireless connection from a cellular telephone having a serial number previously associated with said user.*

Thus, DiGiorgio et al. and Weiss, alone or in combination, do not disclose or suggest instructing said user to enter said provided token using a cellular telephone, do not disclose or suggest providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user, as required by independent claims 1, 11, 17, and 20-26, and do not disclose or suggest providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user, as required by independent claim 27.

Additional Cited References

Hoppe was also cited by the Examiner for its disclosure of a "method of generating a unique number for a smart card and its use for the cooperation of the card

with a host system comprising a token is a pseudo random number.” Applicants note that Hoppe is directed to a method of generating a unique number for a smart card. Hoppe does *not* address the issue of receiving a token via a wireless connection from a cellular telephone having a serial number previously associated with a user.

5 Thus, Hoppe does not disclose or suggest instructing said user to enter said provided token using a cellular telephone, does not disclose or suggest providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user, as required by independent claims 1, 11, 17, and 20-26, and
10 does not disclose or suggest providing access to said user if said entered token matches said provided token and is received via a wireless connection from a cellular telephone having a serial number previously associated with said user, as required by independent claim 27.

Dependent Claims 2-10, 12-16, 18, 19 and 28-31

15 Dependent claims 2, 4-10, 12-15, 18, 28, 30, and 31 were rejected under U.S.C. §102(b) as being anticipated by Weiss, and claims 3, 16, 19, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Weiss in view of Hoppe.

 Claims 2-10, 12-16, 18-19 and 28-31 are dependent on claims 1, 11, 17, and 27, respectively, and are therefore patentably distinguished over DiGiorgio et al.,
20 Weiss, and Hoppe (alone or in combination) because of their dependency from independent claims 1, 11, 17, and 27 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

 All of the pending claims, i.e., claims 1-31, are in condition for allowance and such favorable action is earnestly solicited.

25 If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin M. Mason". The signature is fluid and cursive, with the first name "Kevin" being the most prominent.

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